

**NPDES PERMIT NO. OKS000101**  
**OKLAHOMA CITY MUNICIPAL SEPARATE STORM SEWER SYSTEM**  
**TABLE OF CONTENTS**

**COVER PAGE**

**PART I. DISCHARGES AUTHORIZED UNDER THIS PERMIT**

- A. Permit Area
- B. Authorized Discharges
- C. Permittee Responsibilities
- D. Discharge Goals

**PART II. STORM WATER POLLUTION PREVENTION & MANAGEMENT PROGRAM**

- A. SWMP Requirements
- B. Area-specific SWMP Requirements
- C. Deadlines for Program Implementation
- D. Roles and Responsibilities of Permittees
- E. Legal Authority
- F. SWMP Resources
- G. SWMP Review and Update
- H. Retention of SWMP Records

**PART III. SCHEDULES FOR IMPLEMENTATION AND COMPLIANCE**

- A. Implementation and Augmentation of the SWMP
- B. Compliance with Effluent Limitations
- C. Reporting Compliance with Schedules

**PART IV. DISCHARGE LIMITATIONS**

- A. Discharge Limitations

**PART V. MONITORING AND REPORTING REQUIREMENTS**

- A. Storm Event Discharges
- B. Floatables Monitoring
- C. Annual Report
- D. Certification and Signature of Reports
- E. Reporting: Where and When to Submit

**PART VI. STANDARD PERMIT CONDITIONS**

- A. Duty to Comply
- B. Penalties for Violations of Permit Conditions
- C. Duty to Reapply
- D. Need to Halt or Reduce Activity not a Defense
- E. Duty to Mitigate
- F. Duty to Provide Information
- G. Other Information
- H. Signatory Requirements
- I. Penalties for Falsification of Monitoring Systems
- J. Oil and Hazardous Substance Liability
- K. Property Rights
- L. Severability
- M. Requiring an Individual Permit
- N. State/Environmental Laws
- O. Proper Operation and Maintenance
- P. Monitoring and Records
- Q. Monitoring Methods
- R. Inspection and Entry
- S. Permit Actions
- T. Additional Monitoring by the Permittee(s)

U.	Archeological and Historic Sites
<b>PART VII.</b>	<b>PERMIT MODIFICATION</b>
A.	Modification of the Permit
B.	Termination of Coverage for a Single Permittee
C.	Modification of SWMPs
D.	Changes in Monitoring Outfalls
<b>PART VIII.</b>	<b>DEFINITIONS</b>

AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, 33 U.S.C. 1251 *et seq.*, as amended by the Water Quality Act of 1987, P.L. 100-4, the "Act",

Oklahoma City  
Department of Public Works  
420 West Main, 7th Floor  
Oklahoma City, Oklahoma 73102

is(are) authorized to discharge, in accordance with the Storm Water Management Program(s), effluent limitations, monitoring requirements, and other provisions set forth in Parts I, II, III, IV, V, VI, VII, and VIII herein,

from all portions of the Oklahoma City Municipal Separate Storm Sewer System (MS4) owned or operated by any permittee listed above, to waters of the United States.

This permit will become effective <insert effective date>.

This permit and the authorization to discharge under the National Pollutant Discharge Elimination System shall expire at midnight, on <insert date 5 years from the effective date>.

Signed this      day of

_____	_____
Brent E. Larsen	Myron O. Knudson, P.E.
Environmental Scientist	Director
Municipal Section (6W-PM)	Water Management Division (6W)

**PART I. DISCHARGES AUTHORIZED UNDER THIS PERMIT.**

**A. Permit Area.** This permit covers all areas located within the corporate boundary of the city of Oklahoma City that are served by municipal separate storm sewers owned or operated by the permittee(s).

**B. Authorized Discharges.**

1. Except for discharges prohibited under Part I.B.2, this permit authorizes all existing or new storm water point source discharges to waters of the United States from those portions of the Municipal Separate Storm Sewer System owned or operated by the permittee(s).
2. The following discharges, whether discharged separately or commingled with municipal storm water, are not authorized by this permit:
  - a. *Non-storm Water and Industrial Storm Water:* discharges of non-storm water; any Storm Water Discharge Associated with Industrial Activity; or other storm water discharges required to obtain an NPDES permit, except where such discharges are:
    - (1) regulated by a separate NPDES permit (or the discharger has applied for such permit); or
    - (2) identified by and in compliance with Part II.A.6.a.
  - b. *Spills:* discharges of material resulting from a spill. Where discharge of material resulting from a spill is necessary to prevent loss of life, personal injury, or severe property damage, the permittee(s) shall take, or insure the responsible party for the spill takes, all reasonable steps to minimize or prevent any adverse effects on human health or the environment. (See also Part II.A.7 and Part VI.E.) This permit does not transfer liability for a spill itself from the party(ies) responsible for the spill to the permittee(s) nor relieve the party(ies) responsible for a spill from the reporting requirements of 40 CFR Part 117 and 40 CFR Part 302.

**C. Permittee Responsibilities.**

1. Each permittee is responsible for:
  - a. Compliance with permit conditions relating to discharges from portions of the Municipal Separate Storm Sewer System where the permittee is the operator;
  - b. Storm Water Management Program implementation on portions of the Municipal Separate Storm Sewer System where the permittee is the operator;
  - c. Compliance with annual reporting requirements as specified in Part V.C.;
  - d. Collection of representative wet weather monitoring data required by Part V.A., according to such agreements as may be established between permittees; and
  - e. A plan of action to assume responsibility for implementation of storm water management and monitoring programs on their portions of the Municipal Separate Storm Sewer System

should interjurisdictional agreements allocating responsibility between permittees be dissolved or in default.

2. Permittees are jointly responsible for permit compliance on portions of the Municipal Separate Storm Sewer System where operational or Storm Water Management Program implementation authority over portions of the Municipal Separate Storm Sewer System is shared or has been transferred from one permittee to another in accordance with legally binding agreements.

**D. Discharge Goals.**

The following goals are established for discharges from the Municipal Separate Storm Sewer System:

1. No discharge of toxics in toxic amounts.
2. No discharge of pollutants in quantities that would cause a violation of State Water Quality Standards.
3. No discharge of floatable debris, oils, scum, foam, or grease in other than trace amounts.
4. No discharge of non-storm water from the municipal separate storm sewer system (except as provided in Part I.B.2.).
5. No degradation or loss of State-designated beneficial uses of receiving waters as a result of storm water discharges from the municipal separate storm sewer (unless authorized by the State in accordance with the State's Antidegradation Policy).

**PART II. STORM WATER POLLUTION PREVENTION & MANAGEMENT PROGRAM(S).**

Each permittee shall contribute to the development, revision and implementation of a comprehensive Storm Water Management Program including pollution prevention measures, treatment or removal techniques, storm water monitoring, use of legal authority, and other appropriate means to control the quality of storm water discharged from the Municipal Separate Storm Sewer System. The Storm Water Management Program shall be implemented in accordance with Section 402(p)(3)(B) of the Act, and the Storm Water Regulations (40 CFR Part 122.26).

Controls and activities in the Storm Water Management Program shall identify areas of permittee responsibility on a jurisdiction, applicability, or specific area basis. The Storm Water Management Program shall include controls necessary to effectively prohibit the discharge of non-storm water into municipal separate storm sewers and reduce the discharge of pollutants from the Municipal Separate Storm Sewer System to the Maximum Extent Practicable (MEP).

The Storm Water Management Program shall cover the term of the permit and shall be updated as necessary, or as required by the Director, to ensure compliance with the statutory requirements of Section 402(p)(3)(B) of the Act. Modifications to the Storm Water Management Program shall be made in accordance with Parts II.G., and III. Compliance with the Storm Water Management Program and any schedules in Part III. shall be deemed compliance with Parts II.A, and II.B. The Storm Water Management Program, and all updates made in accordance with Part II.G., are hereby incorporated by reference.

Implementation of the Storm Water Management Program may be achieved through participation with other permittees, public agencies, or private entities in cooperative efforts to satisfy the requirements of Part II. in lieu of creating duplicate program elements for each individual permittee. The Storm Water Management Program, taken as a whole, shall achieve the "effective prohibition on the discharge of non-storm water" and "MEP" standards from Section 402(p)(3)(B) of the Act.

**A. Storm Water Management Program Requirements.**

1. *Structural Controls and Storm Water Collection System Operation:* The Municipal Separate Storm Sewer System and any storm water structural controls shall be operated in manner to reduce the discharge of pollutants to the Maximum Extent Practicable.
2. *Areas of New Development and Significant Redevelopment:* A comprehensive master planning process (or equivalent) to develop, implement, and enforce controls to minimize the discharge of pollutants from areas of new development and significant re-development after construction is completed shall be implemented. The goals of such controls shall be:
  - a. New development - limiting increases in the discharge of pollutants in storm water as a result of development, and
  - b. Re-development - reducing the discharge of pollutants in storm water.
3. *Roadways:* Public streets, roads, and highways shall be operated and maintained in a manner to minimize discharge of pollutants, including those pollutants related to deicing or sanding activities.
4. *Flood Control Projects:* Impacts on receiving water quality shall be assessed for all flood management projects. The feasibility of retro-fitting existing structural flood control devices to provide additional pollutant removal from storm water shall be evaluated.

5. *Pesticide, Herbicide, and Fertilizer Application:* Each permittee shall implement controls to reduce the discharge of pollutants related to the storage and application of pesticides, herbicides, and fertilizers applied, by the permittee's employees or contractors, to public right of ways, parks, and other municipal property. Permittee(s) with jurisdiction over lands not directly owned by that entity (e.g. incorporated city) shall implement programs to reduce the discharge of pollutants related to commercial application and distribution of pesticides, herbicides, and fertilizers.
6. *Illicit Discharges and Improper Disposal:* Non-storm water discharges to the municipal separate storm sewer system shall be effectively prohibited.
  - a. In accordance with 40 CFR 122.26(d)(2)(iv)(B)(1), certain non-storm water discharges to the municipal separate storm sewer system need not be addressed as illicit discharges or improper disposal. The Storm Water Management Program shall identify any non-storm water discharges that the permittee(s) does not prohibit, along with any conditions placed on such non-storm water discharges to the municipal separate storm sewer system. The permittee(s) shall prohibit, on a case-by-case basis, any individual non-storm water discharge (or class of non-storm water discharges) otherwise allowed under this paragraph that is determined to be contributing significant amounts of pollutants to the municipal separate storm sewer system.
  - b. Each permittee shall prevent (or require the operator of the sanitary sewer to eliminate) unpermitted discharges of dry and wet weather overflows from sanitary sewers into the Municipal Separate Storm Sewer System. Each permittee shall limit the infiltration of seepage from sanitary sewers into the Municipal Separate Storm Sewer System.
  - c. The permittee(s) shall ensure the implementation of a program to reduce the discharge of floatables (e.g. litter and other human-generated solid refuse). The floatables control program shall include source controls and, where necessary, structural controls.
  - d. The discharge or disposal of used motor vehicle fluids, household hazardous wastes, grass clippings, leaf litter, and animal wastes into separate storm sewers shall be prohibited. The permittee(s) shall ensure the implementation of programs to collect used motor vehicle fluids (at a minimum, oil and antifreeze) for recycle, reuse, or proper disposal and to collect household hazardous waste materials (including paint, solvents, pesticides, herbicides, and other hazardous materials) for recycle, reuse, or proper disposal. Such programs shall be readily available to all private residents and shall be publicized and promoted on a regular basis.
  - e. A program to locate and eliminate illicit discharges and improper disposal into the Municipal Separate Storm Sewer System shall be implemented. This program shall include dry weather screening activities to locate portions of the Municipal Separate Storm Sewer System with suspected illicit discharges and improper disposal (described in Part II.A.11.a.). Follow-up activities to eliminate illicit discharges and improper disposal may be prioritized on the basis of magnitude and nature of the suspected discharge; sensitivity of the receiving water; and/or other relevant factors. This program shall establish priorities and schedules for screening the entire Municipal Separate Storm Sewer System at least once per five years. Facility inspections may be carried out in conjunction with other municipal programs (e.g. pretreatment inspections of industrial

- users, health inspections, fire inspections, etc.), but must include random inspections for facilities not normally visited by the municipality.
- f. Each permittee shall require the elimination of illicit discharges and improper disposal practices as expeditiously as reasonably possible. Where elimination of an illicit discharge within thirty (30) days is not possible, the permittee shall require an expeditious schedule for removal of the discharge. In the interim, the permittee shall require the operator of the illicit discharge to take all reasonable and prudent measures to minimize the discharge of pollutants to the Municipal Separate Storm Sewer System.
  - g. The permittee(s) shall maintain, and update as necessary, a list of discharges to municipal separate storm sewers that has been issued a NPDES permit. The list shall include the name, location and NPDES permit number of the discharger.
7. *Spill Prevention and Response:* A program to prevent, contain, and respond to spills that may discharge into the Municipal Separate Storm Sewer System shall be implemented. The spill response program may include a combination of spill response actions by the permittee(s) (and/or another public or private entity), and legal requirements for private entities within the permittee's municipal jurisdiction.
8. *Industrial & High Risk Runoff:* A program to identify and control pollutants in storm water discharges to the Municipal Separate Storm Sewer System from municipal landfills; other treatment, storage, or disposal facilities for municipal waste (e.g. transfer stations, incinerators, etc.); hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to EPCRA Title III, Section 313; and any other industrial or commercial discharge the permittee(s) determines are contributing a substantial pollutant loading to the Municipal Separate Storm Sewer System shall be implemented. The program shall include:
- a. priorities and procedures for inspections and establishing and implementing control measures for such discharges;
  - b. a monitoring program (Part II.A.11.c.); and
  - c. a list of industrial storm water sources discharging to the Municipal Separate Storm Sewer System shall be maintained and update as necessary.
9. *Construction Site Runoff:* A program to reduce the discharge of pollutants from constructions sites shall be implemented. This program shall include:
- a. requirements for the use and maintenance of appropriate structural and nonstructural best management practices to reduce pollutants discharged to the Municipal Separate Storm Sewer System during the time construction is underway;
  - b. inspection of construction sites and enforcement of control measures (in accordance with priorities and procedures established in the Storm Water Management Program);
  - c. appropriate education and training measures for construction site operators; and
  - d. notification of appropriate building permit applicants of their potential responsibilities under the NPDES permitting program for construction site runoff.



10. *Public Education:* A public education program with the following elements shall be implemented:
- a. a program to promote, publicize, and facilitate public reporting of the presence of illicit discharges or improper disposal of materials, including floatables, into the Municipal Separate Storm Sewer System;
  - b. a program to promote, publicize, and facilitate the proper management and disposal of used motor vehicle fluids and household hazardous wastes.
  - c. a program to promote, publicize, and facilitate the proper use, application, and disposal of pesticides, herbicides, and fertilizers by the public and commercial and private applicators and distributors.
11. *Monitoring Programs:* The following monitoring programs shall be implemented in addition to the monitoring required by Part V.:
- a. The *Dry Weather Screening Program* shall continue ongoing efforts to detect the presence of illicit connections and improper discharges to the Municipal Separate Storm Sewer System. All areas of the Municipal Separate Storm Sewer System must be screened at least once during the permit term. Screening methodology may be modified based on experience gained during actual field screening activities and need not conform to the protocol at 40 CFR 122.26(d)(1)(iv)(D). Sample collection and analysis need not conform to the requirements of 40 CFR Part 136. However, samples taken to confirm (e.g. in support of possible legal action) a particular illicit connection or improper disposal practice should conform to the requirements of 40 CFR Part 136.
  - b. *Wet Weather Screening Program:* The permittee(s) shall identify, investigate, and address areas within their jurisdiction that may be contributing excessive levels of pollutants to the Municipal Separate Storm Sewer System. The wet weather screening program:
    - (1) shall screen the Municipal Separate Storm Sewer System, in accordance with the procedures specified in the Storm Water Management Program.
    - (2) shall specify the sampling and non-sampling techniques to be used for initial screening and follow-up purposes. Sample collection and analysis need not conform to the requirements of 40 CFR Part 136. However, samples taken to confirm (e.g. in support of possible legal action) a particular illicit connection or improper disposal practice should conform to the requirements of 40 CFR Part 136.
  - c. The *Industrial and High Risk Runoff Monitoring Program* shall include monitoring for pollutants in storm water discharges to the Municipal Separate Storm Sewer System from municipal landfills; other treatment, storage, or disposal facilities for municipal waste (e.g. transfer stations, incinerators, etc.); hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to EPCRA Title III, Section 313; and any other industrial or commercial discharge the permittee(s) determines are contributing a substantial pollutant loading to the Municipal Separate Storm Sewer System.
    - (1) Except as provided in (2) below, the monitoring program shall including the collection of quantitative data on the following constituents:

- (a) any pollutants limited in an existing NPDES permit for a subject facility;
- (b) oil and grease;
- (c) chemical oxygen demand (COD);
- (d) pH;
- (e) biochemical oxygen demand, five-day (BOD<sub>5</sub>);
- (f) total suspended solids (TSS);
- (g) total phosphorous;
- (h) total Kjeldahl nitrogen (TKN);
- (i) nitrate plus nitrite nitrogen; and
- (j) any information on discharges required under 40 CFR 122.21(g)(7)(iii) and (iv).

Data collected by the industrial facility to satisfy the monitoring requirements of an NPDES or State discharge permit may be used to satisfy this requirement. Permittee(s) may require the industrial facility to conduct self-monitoring to satisfy this requirement.

(2) Alternative Certification: In lieu of monitoring, the permittee(s) may accept a certification from a facility that raw and waste materials, final and intermediate products, by-products, material handling equipment or activities, industrial machinery or operations, or significant materials from past industrial activity are not presently exposed to storm water and are not expected to be exposed to storm water for the certification period. Where the permittee(s) accept a "no exposure" certification, the permittee(s) shall conduct at least one site inspection of the facility every five years to verify facility's "no exposure" exemption.

- B. Area-specific Storm Water Management Program Requirements.** Reserved.
- C. Deadlines for Program Implementation.** Except as provided in Part III., full implementation of the Storm Water Management Program shall begin within 90 days from the effective date of the permit.
- D. Roles and Responsibilities of Permittee(s).** The Storm Water Management Program, together with any attached interagency agreements, shall clearly identify the roles and responsibilities of each permittee.
- E. Legal Authority.** Each permittee shall ensure legal authority to control discharges to and from those portions the Municipal Separate Storm Sewer System over which it has jurisdiction. This legal authority may be a combination of statute, ordinance, permit, contract, order or inter-jurisdictional agreements with permittees with existing legal authority to:
  - 1. Control the contribution of pollutants to the Municipal Separate Storm Sewer System by Storm Water Discharges Associated with Industrial Activity and the quality of storm water discharged from sites of industrial activity;
  - 2. Prohibit illicit discharges to the Municipal Separate Storm Sewer System;
  - 3. Control the discharge of spills and the dumping or disposal of materials other than storm water (e.g. industrial and commercial wastes, trash, used motor vehicle fluids, leaf litter, grass clippings, animal wastes, etc.) into the Municipal Separate Storm Sewer System;
  - 4. Control through interagency or interjurisdictional agreements among permittees the contribution of pollutants from one portion of the Municipal Separate Storm Sewer System to another;

5. Require compliance with conditions in ordinances, permits, contracts or orders; and
6. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance with permit conditions.

**F. Storm Water Management Program Resources.** Each permittee shall provide adequate finances, staff, equipment, and support capabilities to implement their activities under the Storm Water Management Program.

**G. Storm Water Management Program Review and Update.**

1. *Storm Water Management Program Review:* Each permittee shall participate in an annual review of the current Storm Water Management Program in conjunction with preparation of the annual report required under Part V.C.
2. *Storm Water Management Program Update:* The permittee(s) may change the Storm Water Management Program during the life of the permit in accordance with the following procedures:
  - a. The approved Storm Water Management Program shall not be changed by the permittee(s) without the approval of the Director, unless in accordance with Parts II.G.2.b., c., or d.
  - b. Changes adding (but not subtracting or replacing) components, controls, or requirements to the Storm Water Management Program may be made by the permittee(s) at any time upon written notification to the Director.
  - c. Changes replacing an ineffective or unfeasible BMP specifically identified in the Storm Water Management Program with an alternate BMP may be requested at any time. Unless denied by the Director, changes proposed in accordance with the criteria below shall be deemed approved and may be implemented by the permittee(s) 60 days from submittal of the request. Such requests shall include the following:
    - (1) an analysis of why the BMP is ineffective or infeasible (including cost prohibitive),
    - (2) expectations on the effectiveness of the replacement BMP, and
    - (3) an analysis of why the replacement BMP is expected to achieve the goals of the BMP to be replaced.
  - d. Changes resulting from schedules contained in Part III. may be requested following completion of an interim task or final deadline. Unless denied by the Director, proposed changes meeting the criteria contained in the applicable Part III schedule shall be deemed approved and may be implemented by the permittee(s) 60 days from submittal date.
  - e. Change requests or notifications shall be made in writing, signed in accordance with Part VI.H. by all directly effected permittees, and include a certification that all permittees were given an opportunity to comment on proposed changes prior to submittal to the Director.
3. *Storm Water Management Program Updates Required by the Director:* The Director may require changes to the Storm Water Management Program as needed to:

- a. address impacts on receiving water quality caused, or contributed to, by discharges from the Municipal Separate Storm Sewer System;
- b. include more stringent requirements necessary to comply with new State or Federal statutory or regulatory requirements; or
- c. include such other conditions deemed necessary by the Director to comply with the goals and requirements of the Clean Water Act.

Changes requested by the Director shall be made in writing, set forth the time schedule for the permittee(s) to develop the changes, and offer the permittee(s) the opportunity to propose alternative program changes to meet the objective of the requested modification. All changes required by the Director shall be made in accordance with 40 CFR 124.5, 40 CFR 122.62, or as appropriate 40 CFR 122.63.

4. *Transfer of Ownership, Operational Authority, or Responsibility for Storm Water Management Program Implementation:* The permittee(s) shall implement the Storm Water Management Program on all new areas added to their portion of the municipal separate storm sewer system (or for which they become responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than three years from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.

Prior to land annexation, the permittee(s) shall include a schedule for extending the Storm Water Management Program to the annexed areas in the Storm Water Management Program. At least 30 days prior to transfer of operational authority or responsibility for Storm Water Management Program implementation, all parties shall prepare a schedule for transfer of responsibility for Storm Water Management Program implementation on the affected portions of the Municipal Separate Storm Sewer System.

- H. Retention of Storm Water Management Program Records.** The permittee shall retain the Storm Water Management Program developed in accordance with Parts II. and III. for at least 3 years after coverage under this permit terminates.

**PART III. SCHEDULES FOR IMPLEMENTATION AND COMPLIANCE.**

The Permittee(s) shall comply with the following schedules for Storm Water Management Program implementation and augmentation, and permit compliance.

**A. Implementation and Augmentation of Storm Water Management Program(s).**

<b>STORM WATER MANAGEMENT PROGRAM COMPONENT</b>	<b>ACTIVITY</b>	<b>RESPONSIBLE PERMITTEE(S)</b>	<b>DATE DUE/FREQUENC Y</b>
1. SWMP Document	a. Provide copy of each permittee's SWMP revised as necessary to reflect final permit conditions.	All <sup>1</sup>	June 1, 1995
2. New and Re-Development	a. Submit criteria and procedures for determining and enforcing requirements for structural and non-structural controls on new and significant re-development.	Oklahoma City	March 1, 1996
	b. Complete any necessary revisions to ordinances or rules and update SWMP to include criteria and procedures for determining and enforcing requirements for structural and non-structural controls on new and significant re-development.	Oklahoma City	July 1, 1997
	c. Submit criteria and procedures for determining requirements for structural and non-structural controls on new and significant re-construction of roads and highways.	All	Sept. 1, 1995
	d. Update SWMP to include criteria and procedures for determining requirements for structural and non-structural controls on new and significant re-construction of roads and highways.	All	July 1, 1996
	e. Prepare or adopt development criteria manual(s) for use by the permittee(s) and the regulated development/construction community.	All	July 1, 1997
	f. Begin implementation of program(s) for new and significant re-development.	All	July 1, 1998
3. Flood Control Projects and Structural Controls	a. Submit schedule and criteria for evaluating placement of structural controls (or retrofitting existing structures) on developed areas.	All	June 1, 1995
	b. Complete any necessary revisions to ordinances or rules and update SWMP to include schedule and criteria for evaluating placement of structural controls (or retro-fitting existing structures) on developed areas and a schedule for inspection and maintenance of such structural controls.	All	July 1, 1996

STORM WATER MANAGEMENT PROGRAM COMPONENT	ACTIVITY	RESPONSIBLE PERMITTEE(S)	DATE DUE/FREQUENCY
	c. Begin implementation of program to evaluate, prioritize, and install structural controls (or retro-fitting existing structures) on developed areas.	All	July 1, 1996
4. Construction Site Runoff	a. Submit updated construction site runoff pollution prevention program, while continuing ongoing education, control, and enforcement efforts.	All	March 1, 1996
	Complete update to construction site runoff pollution prevention program (including necessary modifications to local ordinances) regulating runoff from construction sites.	All	July 1, 1997
	Implement enhancements to construction site runoff program.	All	July 1, 1998
4. Roadway Operation and Maintenance	a. Submit program, including priorities and schedules, for operation and maintenance of roadways and associated separate storm sewers.	All	June 1, 1995
	b. Update SWMP to include roadway operation and management program.	All	July 1, 1995
	c. Begin implementation of roadway operation and management program.	All	July 1, 1995
5. Household Hazardous Wastes/Used Motor Vehicle Fluids	a. Provide summary of evaluation and assessment of results from various collection/recycling/safe disposal program options, including those currently underway, to determine the most applicable program for long term use which meets the criteria in b. below.	All	April 1, 1997
	b. Develop collection/recycling/safe disposal program which includes periodic collection events and should ensure a publicly available drop off location(s) that provides for occasional long weekday hours, or weekend operations.	All	July 1, 1997
	c. Implement collection/recycling/safe disposal program.	All	July 1, 1998
6. Floatables	a. Implement public education program.	All	July 1, 1995
	b. Install two floatables monitoring locations and commence monitoring (See Part V.B.).	All	July 1, 1995
	d. Complete study for targeting of structural controls for floatables and develop schedule for implementation.	All	July 1, 1997
7. Illicit Discharges and Improper Disposal	a. Implement public education program.	All	July 1, 1995

STORM WATER MANAGEMENT PROGRAM COMPONENT	ACTIVITY	RESPONSIBLE PERMITTEE(S)	DATE DUE/FREQUENCY
	b. Complete assessment of allowable non-storm water discharges to the Municipal Separate Storm Sewer System (see Part II.A.7.b).	All	July 1, 1995
	c. Submit, with the Annual Report, the results of the allowable non-storm water discharge assessment for each of the non-storm water discharges listed at Part II.A.7.b.1-19. and any proposed modifications to the Storm Water Management Program to implement necessary prohibitions or conditions for acceptance of non-storm water discharges to the Municipal Separate Storm Sewer System.	All	Oct. 15, 1995
	d. Complete field screening 20% of the Municipal Separate Storm Sewer System for illicit discharges and improper disposal.	All	March 1, 1996
	e. Complete field screening 40% (cumulative) of the Municipal Separate Storm Sewer System for illicit discharges and improper disposal.	All	March 1, 1997
	f. Complete field screening 60% (cumulative) of the Municipal Separate Storm Sewer System for illicit discharges and improper disposal.	All	March 1, 1998
	g. Complete field screening 80% (cumulative) of the Municipal Separate Storm Sewer System for illicit discharges and improper disposal.	All	March 1, 1999
	h. Complete field screening 100% of the Municipal Separate Storm Sewer System for illicit discharges and improper disposal.	All	Feb. 28, 2000
	i. Update SWMP to include follow-up activities, with priorities and schedules, for suspected illicit discharges, and expeditious elimination of identified sources of such discharges.	All	Oct. 15, 1995
	j. Update SWMP to include procedures for spill response and cleanup.	All	Oct. 15, 1995
	k. Update SWMP to include program to limit seepage from sanitary sewers into separate storm sewers.	Oklahoma City	Oct. 15, 1995
8. Wet Weather Screening Program	a. Update SWMP to include wet weather screening program.	All	July 1, 1995
	b. Complete wet weather screening of 50% of the MS4.	All	July 1, 1997
	c. Complete wet weather screening of 100% (cumulative) of the MS4.	All	July 1, 1999

<b>STORM WATER MANAGEMENT PROGRAM COMPONENT</b>	<b>ACTIVITY</b>	<b>RESPONSIBLE PERMITTEE(S)</b>	<b>DATE DUE/FREQUENCY</b>
9. Industrial and High Risk Runoff	a. Develop program to identify, monitor, and control pollutants from targeted facilities.	All	July 1, 1995
	b. Implement program.	All	July 1, 1996
10. Pesticide, Herbicide, and Fertilizer Application	a. Implement annual training/education on pesticide and fertilizer management techniques.	All	July 1, 1995
11. Supporting Permit Conditions, Monitoring Programs, and Documents	a. Submit completed interjurisdictional agreement(s) between permittees.	All	April 1, 1995
	b. Submit revised summary of Event Mean Concentrations (EMCs) for outfalls 001 - 005 from results of representative monitoring to date. Submittal shall include description of storm events monitored.	Oklahoma City	April 1, 1995
	c. Submit schedule for preparation and submittal of estimates of annual loadings and EMCs for all major outfalls by no later than the due date of the Annual Report for the fourth year of the permit.	All	April 1, 1995
	d. Establish representative monitoring site (Outfall 006) for roadway runoff.	All	June 1, 1995
	e. Commence representative monitoring of roadway runoff.	All	July 1, 1995
	f. Adopt comprehensive Storm Water ordinance.	Oklahoma City	July 1, 1995

<sup>1</sup>All - Oklahoma City and any co-permittees.



- B. Compliance with effluent limitations.** Reserved.
- C. Reporting compliance with schedules.** No later than 14 days following a date for a specific action (interim milestone or final deadline) identified in the above schedule(s), the permittee(s) shall submit a written notice of compliance or noncompliance to the Director in accordance with Parts V.E.
- D. Updating Storm Water Management Program.** The permittee(s) shall update the Storm Water Management Program(s), as appropriate, in response to changes required by Part III.A. Such updates shall be made in accordance with Part II.G.2.

**PART IV. DISCHARGE LIMITATIONS.**

**A. Discharge Limitations.** Reserved.

**PART V. MONITORING AND REPORTING REQUIREMENTS.**

**A. Storm Event Discharges.**

1. *Representative Monitoring:* Monitoring shall be conducted on representative outfalls, internal sampling stations, and/or instream monitoring locations to characterize the quality of storm water discharges from the Municipal Separate Storm Sewer System.
  - a. Monitoring Requirements: Refer to Table(s) V.A.1.a(1) and (2).
  - b. Outfall Descriptions: Refer to Table V.A.1.b.
  - c. Alternate representative monitoring locations may be substituted for just cause during the term of the permit. Requests for approval of alternate monitoring locations shall be made to the Director in writing and include the rationale for the requested monitoring station relocation. Unless disapproved by the Director, use of an alternate monitoring location (except for outfalls with numeric effluent limitations) may commence 30 days from the date of the request. For outfalls where numeric effluent limitations have been established, the permit must be modified prior to substitution of alternate monitoring locations. Six samples shall be collected during the first year of monitoring at substitute outfalls.

**Table V.A.1.a.(1) - Representative Monitoring Requirements: Outfalls 001 - 005**

PARAMETERS	REPORT FOR EACH MONITORING PERIOD (each sample type)			SAMPLE TYPE(S)		MONITORING FREQUENCY <sup>1</sup>
	Minimum	Average	Maximum	Grab	Composite	
Biochemical Oxygen Demand (BOD <sub>5</sub> ) (mg/l)		Yes	Yes		Yes	1/season <sup>2</sup>
Chemical Oxygen Demand (COD) (mg/l)		Yes	Yes		Yes	1/season
Oil and Grease (mg/l)		Yes	Yes	Yes		1/season
Total Suspended Solids (TSS) (mg/l)		Yes	Yes		Yes	1/season
Total Dissolved Solids (TDS) (mg/l)		Yes	Yes		Yes	1/season
Total Nitrogen (mg/l)		Yes	Yes		Yes	1/season
Total Kjeldahl Nitrogen (TKN) (mg/l)		Yes	Yes		Yes	1/season
Total Phosphorus (mg/l)		Yes	Yes		Yes	1/season
Dissolved Phosphorus (mg/l)		Yes	Yes		Yes	1/season
Total Cadmium (ug/l)		Yes	Yes		Yes	1/season
Total Copper (ug/l)		Yes	Yes		Yes	1/season
Total Lead (ug/l)		Yes	Yes		Yes	1/season
Total Zinc (ug/l)		Yes	Yes		Yes	1/season
Fecal Coliform (colonies/100 ml)		Yes	Yes	Yes		1/season
pH (S.U.)	Yes		Yes	Yes		1/season

PARAMETERS	REPORT FOR EACH MONITORING PERIOD (each sample type)			SAMPLE TYPE(S)		MONITORING FREQUENCY <sup>1</sup>
	Minimum	Average	Maximum	Grab	Composite	
Hardness (as CaCO <sub>3</sub> ) (mg/l)	Yes	Yes	Yes	Yes		1/season
Temperature (°C)	Yes	Yes	Yes	Yes		1/season
Diazinon (ug/l)		Yes	Yes		Yes	1/season
Total Mercury (ug/l)		Yes	Yes		Yes	1/season
Total Thallium (ug/l) - Outfalls 001, 005 only		Yes	Yes		Yes	1/season
Table II Priority Pollutants (40 CFR 122, Appendix D, Table II) - Outfalls 002, 004, 005 only		Yes	Yes		Yes	1/season

<sup>1</sup> Monitoring frequency for each year unless monitoring under Alternative Bioassessment Option (See Part V.A.2.)

<sup>2</sup> Seasonal monitoring periods are: **July 1 - October 31, November 1 - February 28(29), and March 1 - June 30**

**Table V.A.1.b - Representative Monitoring Outfall Descriptions**

<b>OUTFALL</b>	<b>LOCATION</b>	<b>DESCRIPTION</b>	<b>RESPONSIBLE PERMITTEE</b>
001	6200 NE 122 Street. Bridge crossing Deep Fork Creek.	Mixed residential (wide range of income and age), commercial, and industrial land use basin draining approximately 55.5 square miles in northeast Oklahoma City (ref. site 183-A).	Oklahoma City
002	5440 Northwestern Avenue. Bridge crossing Deep Fork Creek.	Primarily residential (mostly single family middle income) with some industrial land use basin draining approximately 14.4 square miles in north central Oklahoma City (ref. site 377-A).	Oklahoma City
003	550 SW 12th Street. Headwall of 14 foot diameter storm water conduit.	Approximately 1.4 square mile basin draining the Oklahoma City downtown central business district and surrounding older residential (lower income) areas (ref. site 577-A).	Oklahoma City
004	1530 E. Grand Avenue. Bridge crossing Crooked Oak Creek	Mixed residential (older lower middle income), older industrial, and transportation (I-35 and Shields Boulevard) land use basin draining approximately 8.6 square miles in east central Oklahoma City (ref. site 580-A).	Oklahoma City
005	1633 SW 149th Street. Bridge crossing unnamed tributary to South Canadian River	Approximately 8.75 square mile basin in southern Oklahoma City currently undergoing residential (upper middle income) and commercial development (ref. site 936-A)	Oklahoma City

OUTFALL	LOCATION	DESCRIPTION	RESPONSIBLE PERMITTEE
006	To be added July 1, 1995 (See Part III.A.11.d.)		Oklahoma City

2. *Representative Monitoring - Rapid Bioassessment Option:* The permittee(s) has the option of developing and implementing a rapid bioassessment monitoring program.
  - a. The permittee(s) shall obtain all necessary aquatic wildlife collection permits from appropriate State and/or Federal agencies (e.g. State Fish and Game Commission).
  - b. Permittee(s) utilizing the rapid bioassessment monitoring option shall conduct monitoring of the separate storm sewer system as described in Part V.A.1., except the monitoring for years 2, 3, and 5 are no longer required. All other requirements of Part V.A.1., A.3., and A.4. (e.g.: samples types, parameters,...) remain unchanged.
  - c. If the permittee(s) elects to develop and implement a rapid bioassessment monitoring program, the permittee(s) shall submit an approvable monitoring program to EPA no later than one year from the effective date of this permit. An approvable program must include:
    - (1) monitoring of at least two waterbodies receiving storm water discharges from the municipal separate storm sewer system plus a reference site located within the same ecological region as the municipal separate storm sewer system;
    - (2) monitoring of each station at least twice per year, with monitoring conducted at essentially the same time periods each year; and
    - (3) concurrent (e.g. within a day or two) monitoring of the reference site each time a station located in the receiving waters of the municipal separate storm sewer system is monitored.

Unless disapproved by the Director within 60 days, a proposed rapid bioassessment monitoring plan meeting the criteria herein shall be deemed approved and the permittee(s) may implement the alternate rapid bioassessment program.
  - d. The permittee(s) shall notify the Director and State (addresses provided in Part V.E.), in writing, at least 14 days prior to commencing an alternate rapid bioassessment monitoring program.
3. *Storm Event Data:* For Part V.A.1. and any additional sampling conducted for Part V.A.6., quantitative data shall be collected to estimate pollutant loadings and event mean concentrations for each parameter sampled. Records shall be maintained of all analytical results, the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; the duration (in hours) between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled.
4. *Sample Type, Collection, and Analysis:* The following requirements apply only to samples collected for Part V.A.1 and any additional sampling conducted for Part V.A.6.
  - a. For discharges from holding ponds or other impoundments with a retention period greater than 24 hours, (estimated by dividing the volume of the detention pond by the estimated volume of water discharged during the 24 hours previous to the time that the sample is collected) a minimum of one grab sample may be taken.



- b. Grab samples taken within the first two hours of discharge shall be used for the analysis of pH, temperature, cyanide, oil & grease, fecal coliform, fecal streptococcus, total phenols, residual chlorine, and (at the permittee's option) volatile organics. Multiple grab samples, collected (and individually analyzed) at least once per hour for at least the first three hours of discharge, may be used to prepare a flow weighted average for the above parameters. For all other parameters, data shall be reported for flow weighted composite samples of the entire event or, at a minimum, the first three hours of discharge.
- c. Samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of fifteen minutes.

The required 72 hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge. The required 72 hour storm event interval is also waived where the permittee(s) documents that less than a 72 hour interval is representative for local storm events during the season when sampling is being conducted.

- d. Analysis and collection of samples shall be done in accordance the methods specified at 40 CFR Part 136. Where an approved Part 136 method does not exist, any available method may be used unless a particular method or criteria for method selection (such as sensitivity) has been specified in the permit.
5. *Seasonal Loadings and Event Mean Concentrations.* All necessary sampling data shall be collected to provide estimates for each major outfall of seasonal pollutant loadings and event mean concentrations for a representative storm event for the parameters listed in **Table V.A.1.a.(1) - Representative Monitoring Requirements**. This information may be estimated from the representative monitoring locations and shall take into consideration land uses and drainage areas for the outfall. The estimates of seasonal loadings and event mean concentrations shall be included in the Annual Report for year four of the permit.

**B. Floatables Monitoring.** The permittee(s) shall establish two monitoring locations for removal of floatable material in discharges to or from the Municipal Separate Storm Sewer System. Floatable material shall be collected at the frequency necessary for maintenance of the removal devices, but not less than twice per year. The amount of material collected shall be estimated in cubic yards and shall be reported in the Annual Report required by Part V.C.

**C. Annual Report.** Each permittee shall contribute to the preparation of an annual system-wide report to be submitted no later than **October 15th**. The report shall cover the previous year from **July 1st to June 30th** and include the following separate sections, with an overview for the entire Municipal Separate Storm Sewer System and subsections for each permittee:

- 1. The status of implementing the storm water management program(s) (status of compliance with any schedules established under this permit shall be included in this section);
- 2. Proposed changes to the storm water management program(s) ;

3. Revisions, if necessary, to the assessments of controls and the fiscal analysis reported in the permit application under 40 CFR 122.26(d)(2)(iv) and (d)(2)(v);
4. A summary of the data, including monitoring data, that is accumulated throughout the reporting year;
5. Annual expenditures for the reporting period, with a breakdown for the major elements of the storm water management program, and the budget for the year following each annual report;
6. A summary describing the number and nature of enforcement actions, inspections, and public education programs; and
7. Identification of water quality improvements or degradation.

Preparation and submittal of a system-wide annual report shall be coordinated by the city of Oklahoma City. The report shall indicate which, if any, permittee(s) have failed to provide required information on the portions of the Municipal Separate Storm Sewer System for which they are responsible to the core municipality by 45 days prior to the report due date. Joint responsibility for report submission shall be limited to participation in preparation of the overview for the entire system and inclusion of the identity of any permittee who failed to provide input to the annual report. Each individual permittee shall be individually responsible for content of the report relating to the portions of the Municipal Separate Storm Sewer System for which they are responsible and for failure to provide information for the system-wide annual report in a timely manner. Each permittee shall sign and certify the annual report in accordance with Part VI.H. and include a statement or resolution that the permittee's governing body or agency (or delegated representative) has reviewed or been appraised of the content of the Annual Report.

**D. Certification and Signature of Reports.** All reports required by the permit and other information requested by the Director shall be signed and certified in accordance with Part VI.H.

**E. Reporting: Where and When to Submit.**

1. Representative monitoring results (Part V.A.1) obtained during the reporting period running from **July 1st to June 30th** shall be submitted on Discharge Monitoring Report Form(s) along with the annual report required by Part V.C. A separate Discharge Monitoring Report Form is required for each monitoring period (season) specified in Part V.A.1.
2. Signed copies of discharge monitoring reports required under Part V., the Annual Report required by Part V.C., and all other reports required herein, shall be submitted to:

U.S. EPA, Region 6  
Water Management Division  
Enforcement Branch (6W-EA)  
1445 Ross Avenue  
Dallas, Texas 75202-2733

3. Requests for Storm Water Management Program updates, changes in monitoring locations, or application for an individual permit shall be submitted to:

U.S. EPA, Region 6  
Water Management Division

Municipal Permits Section (6W-PM)  
1445 Ross Avenue  
Dallas, Texas 75202-2733

4. Additional Notification. In addition, the permittee(s) shall provide copies of discharge monitoring reports, annual reports, requests for Storm Water Management Program updates, or changes in monitoring locations, and all other reports required herein, to:

Oklahoma Department of Environmental Quality  
Program Manager  
Water Quality Program  
1000 N.E. 10th Street, WQS 0207  
Oklahoma City, OK 73117-1212

**PART VI. STANDARD PERMIT CONDITIONS.**

**A. Duty to Comply.** The permittee(s) must comply with all conditions of this permit insofar as those conditions are applicable to each permittee, either individually or jointly. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

**B. Penalties for Violations of Permit Conditions.**

1. *Criminal Penalties.*

- a. **Negligent Violations:** The Act provides that any person who negligently violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both.
- b. **Knowing Violations:** The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years, or both.
- c. **Knowing Endangerment:** The Act provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act and who knows at that time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than \$250,000, or by imprisonment for not more than 15 years, or both.
- d. **False Statement:** The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than 2 years, or by both. If a conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or by both. (See Section 309(c)(4) of the Act).

2. *Civil Penalties.* The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to a civil penalty not to exceed \$25,000 per day for each violation.

3. *Administrative Penalties.* The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act is subject to an administrative penalty, as follows:

- a. **Class I penalty:** Not to exceed \$10,000 per violation nor shall the maximum amount exceed \$25,000.
- b. **Class II penalty:** Not to exceed \$10,000 per day for each day during which the violation continues nor shall the maximum amount exceed \$125,000.

- C. **Duty to Reapply.** If the permittee wishes to continue an activity regulated by this permit after the permit expiration date, the permittee must apply for and obtain a new permit. The application shall be submitted at least 180 days prior to expiration of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated at 40 CFR 122.6 and any subsequent amendments.
- D. **Need to Halt or Reduce Activity Not a Defense.** It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- E. **Duty to Mitigate.** The permittee(s) shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- F. **Duty to Provide Information.** The permittee(s) shall furnish to the Director, within a time specified by the Director, any information which the Director may request to determine compliance with this permit. The permittee(s) shall also furnish to the Director upon request copies of records required to be kept by this permit.
- G. **Other Information.** When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in any report to the Director, he or she shall promptly submit such facts or information.
- H. **Signatory Requirements.** All Discharge Monitoring Reports, storm water management programs, reports, certifications or information either submitted to the Director or that this permit requires be maintained by the permittee(s), shall be signed by:
1. for a municipality, State, or other public agency: by either a principal executive officer or ranking elected official; or
  2. a duly authorized representative of that person. A person is a duly authorized representative only if:
    - a. The authorization is made in writing by a person described above and submitted to the Director.
    - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, or position of equivalent responsibility or an individual or position having overall responsibility for environmental matters for the company. A duly authorized representative may thus be either a named individual or any individual occupying a named position.
    - c. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new written authorization satisfying the requirements of this paragraph must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

3. Certification: Any person signing documents under this section shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
- I. **Penalties for Falsification of Monitoring Systems.** The Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by fines and imprisonment described in Section 309 of the Act.
- J. **Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the Act or section 106 of CERCLA.
- K. **Property Rights.** The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.
- L. **Severability.** The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.
- M. **Requiring an Separate Permit.**
  1. The Director may require any co-permittee authorized by this permit to obtain a separate NPDES permit. Any interested person may petition the Director to take action under this paragraph. The Director may require any co-permittee authorized to discharge under this permit to apply for a separate NPDES permit only if the co-permittee has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form (as necessary), a statement setting a deadline for the co-permittee to file the application, and a statement that on the effective date of the separate NPDES permit, coverage under this permit shall automatically terminate. Separate permit applications shall be submitted to the address shown in Part V.E. The Director may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner a separate NPDES permit application as required by the Director, then the applicability of this permit to the co-permittee is automatically terminated at the end of the day specified for application submittal.
  2. Any co-permittee authorized by this permit may request to be excluded from the coverage of this permit by applying for an separate permit. The co-permittee shall submit a separate application as specified by 40 CFR 122.26(d) with reasons supporting the request to the Director. Separate permit applications shall be submitted to the address shown in Part V.E. The request may be granted by the issuance of a separate permit if the reasons cited by the co-permittee are adequate to support the request.
- N. **State/Environmental Laws.**

1. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by section 510 of the Act.
2. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

**O. Proper Operation and Maintenance.** The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water management programs. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.

**P. Monitoring and Records.**

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
2. The permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.
3. Records of monitoring information shall include:
  - a. The date, exact place, and time of sampling or measurements;
  - b. The initials or name(s) of the individual(s) who performed the sampling or measurements;
  - c. The date(s) analyses were performed;
  - d. The time(s) analyses were initiated;
  - e. The initials or name(s) of the individual(s) who performed the analyses;
  - f. References and written procedures, when available, for the analytical techniques or methods used; and
  - g. The results of such analyses, including the bench sheets, instrument readouts, computer disks or tapes, etc., used to determine these results.

**Q. Monitoring Methods.** Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.

**R. Inspection and Entry.** The permittee shall allow the Director or an authorized representative of EPA, or the State, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Act, any substance or parameters at any location.

**S. Permit Actions.** This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**T. Additional Monitoring by the Permittee.** If the permittee monitor more frequently than required by this permit, using test procedures approved under 40 CFR Part 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report (DMR). Such increased monitoring frequency shall also be indicated on the DMR.

**U. Archeological and Historical Sites.**

1. Where municipal excavation and/or construction projects implementing requirements of this permit will result in the disturbance of previously undisturbed land, the permittee shall, thirty (30) days prior to commencing land disturbance, submit the following to the State Historic Preservation Officer (SHPO) for evaluation of possible effects on properties listed or eligible for listing on the National Register of Historic Places:
  - a. a description of the construction or land disturbing activity and the potential impact that this activity may have upon the ground, and
  - b. a copy of a USGS topographic map outlining the location of the project and other ancillary impact areas.

The address of the SHPO is:

Historical Archeologist  
Oklahoma State Historical Preservation Office  
621 North Robinson, Suite 375  
Oklahoma City, Oklahoma 73102

2. If the permittee receives a request for an archeological survey or notice of adverse effects from the SHPO, the permittee shall delay such activity until:
  - a. a determination of no adverse effect has been made, or
  - b. measures to minimize harm to historic properties have been agreed upon.



3. If the permittee does not receive notification of adverse effects or a request for an archeological survey from the SHPO within thirty (30) days, the permittee may proceed with the activity.

**PART VII. PERMIT MODIFICATION.**

**A. Modification of the Permit.** The permit may be reopened and modified during the life of the permit to address:

1. changes in the State's Water Quality Management Plan, including Water Quality Standards;
2. changes in State or Federal statutes or regulations;
3. add a new permittee who is the owner or operator of a portion of the Municipal Separate Storm Sewer System;
4. changes in portions of the Storm Water Management Program that are considered permit conditions; or
5. other modifications deemed necessary by the Director to meet the requirements of the Act.

All modification to the permit will be made in accordance with 40 CFR 122.62, 122.63, and 124.5.

**B. Termination of Coverage for a Single Permittee.** Permit coverage may be terminated, in accordance with the provisions of 40 CFR 122.64 and 124.5, for a single permittee without terminating coverage for other permittees.

**C. Modification of Storm Water Management Program(s).** Only those portions of the Storm Water Management Programs specifically required as permit conditions shall be subject to the modification requirements of 40 CFR 124.5. Addition of components, controls, or requirements by the permittee(s); replacement of an ineffective or infeasible BMP implementing a required component of the Storm Water Management Program with an alternate BMP expected to achieve the goals of the original BMP; and changes required as a result of schedules contained in Part III shall be considered minor changes to the Storm Water Management Program and not modifications to the permit. (See also Part II.G.)

**D. Changes in Monitoring Outfalls.** Changes in monitoring outfalls, other than those with specific numeric effluent limitations (as described in Part V.A.1.c.), shall be considered minor modifications to the permit and will be made in accordance with the procedures at 40 CFR 122.63.

**PART VIII. DEFINITIONS.**

All definition contained in Section 502 of the Act shall apply to this permit and are incorporated herein by reference. Unless otherwise specified, additional definitions of words or phrases used in this permit are as follows:

- A. "Best Management Practices" ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- B. "CWA" or "The Act" means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.
- C. "Co-permittee" is defined at 40 CFR 122.26(b)(1).
- D. "Core Municipality" means, for the purpose of this permit, the municipality whose corporate boundary (unincorporated area for counties and parishes) defines the municipal separate storm sewer system. (ex. City of Dallas for the Dallas Municipal Separate Storm Sewer System, Harris County for unincorporated Harris County).
- E. "Director" means the Regional Administrator or an authorized representative.
- F. "Discharge" for the purpose of this permit, unless indicated otherwise, refers to discharges from the Municipal Separate Storm Sewer System (MS4).
- G. "Flow-weighted composite sample" means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.
- H. "Illicit connection" means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.
- I. "Illicit discharge" is defined at 40 CFR 122.26(b)(2).
- J. "Individual Residence" refers, for the purposes of this permit, to single or multi-family residences. (e.g. single family homes and duplexes, townhomes, apartments, etc.)
- K. "Landfill" means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.
- L. "Land application unit" means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.
- M. "Large or medium municipal separate storm sewer system" is defined at 40 CFR 122.26(b)(4) & (7).
- N. "MEP" is an acronym for "Maximum Extent Practicable," the technology-based discharge standard for Municipal Separate Storm Sewer Systems established by CWA §402(p).
- O. "MS4" is an acronym for "Municipal Separate Storm Sewer System" and is used to refer to either a Large or Medium Municipal Separate Storm Sewer System (e.g. "the Dallas MS4").

- P. "Municipal Separate Storm Sewer" is defined at 40 CFR 122.26(b)(8).
- Q. "Part '#'" refers, unless otherwise indicated, to Part "#" of this permit (e.g. Part V.E.2.).
- R. "Permittee" refers to any "person," as defined at 40 CFR 122.2, authorized by this NPDES permit to discharge to Waters of the United States.
- S. "Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharges. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.
- T. "Storm sewer", unless otherwise indicated, refers to a municipal separate storm sewer.
- U. "Storm Water" means storm water runoff, snow melt runoff, and surface runoff and drainage.
- V. "Storm Water Discharge Associated with Industrial Activity" is defined at 40 CFR 122.26(b)(14).
- W. "Storm Water Management Program" refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system. For the purposes of this permit, the Storm Water Management Program is considered a single document, but may actually consist of separate programs (e.g. "chapters") for each permittee.
- X. "SWMP" is an acronym for "Storm Water Management Program."
- Y. "Time-weighted composite" means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.
- Z. "Waters of the United States" is defined at 40 CFR 122.2.